

Application No. 10/753,414

Amendment dated January 3, 2006

Reply to Office Action dated July 25, 2005 and

Notice of Non-compliant Amendment dated November 16, 2005

Docket No. 4553-0102P

Art Unit: 3618

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AMENDMENTS TO THE DRAWINGS

One Sheet of New Formal Drawings has been added by this Amendment (FIG. 12).

Two Sheets of the Seven Sheets of Drawings submitted on October 20, 2005 have been deleted. (FIGS. 1D, and FIGS. 6C and 6D).

REMARKS

First of all, the Applicant respectfully submits that the Amendment filed on October 20, 2005, fully complies with the requirements of 37 CFR 1.121 Manner of Making Amendments in Application, and thus the Examiner is required to examine the application on the merits.

In the Notice of Non-Compliant Amendment, the Examiner indicates that the Applicant has failed to comply with 37 CFR 1.121 Manner of Making Amendments in Application, as is required.

Applicant does not aggress with the position taken by the Examiner. However, to advance the prosecution of the present application, in this Amendment, the Applicant has

1. Addressed the issues pointed out by the Examiner in the Notice of Non-Compliant Amendment dated November 16, 2005, and
2. Repeated the arguments made in the Amendment of October 20, 2005 in response to the rejections made in the Office Action dated July 25, 2005.

The Applicant respectfully requests that the Examiner examine this application of its merits.

Claims 1-9 and 11-21 currently are pending. Claim 10 was previously cancelled in the Amendment dated October 20, 2005. Claims 12, 15 and 21 are amended herein. Claims 1 and 14 are independent. The Examiner is respectfully requested to reconsider the rejections in view of the amendments and remarks set forth herein.

Priority Claim

The Examiner has not acknowledged the Applicant's claim for priority based on U.S. Provisional Application 60/439,024 filed on January 10, 2003. Clarification is respectfully requested in the next official communications.

Information Disclosure Citation

The Applicant thanks the Examiner for considering the reference supplied with the Information Disclosure Statement filed May 19, 2004, and for providing the Applicant with an initialed copy of the PTO-1449 form filed therewith.

Response to Examiner's Comments in the Notice of Non-Compliant Amendment

The Examiner alleges that the Applicant added new matter, as follows, in the Amendment dated October 20, 2005:

1. Alleged new matter: pivot point in FIGS. 1A and 2A, and paragraph [0027].

Response: The Applicant submits that this is NOT new matter. For example, independent claim 1 and paragraph [0006] as originally filed fully disclose a pivot point. The revised FIGS. 1A and 2A submitted on October 20, 2005, merely label pivot points P in these FIGS, and the revisions to paragraph [0027] was required to provide proper antecedent basis.

2. Alleged new matter: FIG. 1D.

Response: FIG. 1D submitted on October 20, 2005 has been deleted, and the references to FIG. 1D in specification have been deleted. FIG. 12 has been added to provide a simplified conceptual diagram of how weight transfer is accomplished in the third and

fourth embodiments of the present invention. The specification has been amended to provide proper antecedent basis for the elements shown in FIG. 12.

3. Alleged new matter: FIGS. 6C and 6D.

Response: While not conceding the appropriateness of the Examiner's allegation, the Applicant has deleted FIGS. 6C and 6D.

In view of the amendments and arguments above, the Applicant respectfully submits that the issues pointed out by the Examiner have been fully addressed, and no new matter is now in the application.

Revised Drawings

As mentioned above, two of the seven sheets of Drawings submitted on October 20, 2005 have been deleted (FIGS. 1D, and FIGS. 6C and 6D), and One Sheet of New Formal Drawings has been added (FIG. 12). No new matter has been entered

Restriction Requirement

The Examiner has withdrawn claims 6 and 7. Claim 1, as amended on October 20, 2005, is believed to be generic. Assuming independent claim 1 is found to be allowable, since a reasonable number of species should be allowed in a single application, it is respectfully requested that the Examiner rejoin claims 6 and 7.

Substitute Specification

In accordance with MPEP §608.01(q), Applicant herewith submits a substitute specification in the above-identified application. Also included is a marked-up copy of the original specification which shows the portions of the original specification which are being added and deleted.

Applicant has amended the specification merely to place it in better form and to provide proper antecedent basis for the elements identified in the FIGS. The Applicant respectfully submits that the substitute specification includes no new matter and that the substitute specification includes the same changes as are indicated in the marked-up copy of the original specification showing additions and deletions.

Because the number of amendments which are being made to the original specification would render it difficult to consider the case, or to arrange the papers for printing or copying, Applicant has voluntarily submitted this substitute specification. Accordingly, Applicant respectfully requests that the substitute specification be entered into the application.

Rejections under 35 U.S.C. §103(a)

Claims 1-5 and 8-13 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Schwarz (U.S. 3,528,674) in view of Larsen et al. (U.S. 4,324,409), and further in view of Snow Slide Walker from Freedom Factory. This rejection is respectfully traversed.

A complete discussion of the Examiner's rejection is set forth in the Office Action, and is not being repeated here.

Arguments Regarding Independent Claim 1

The Applicant respectfully submits that independent claim 1 as presented in the Amendment dated October 20, 2005 recites a combination of elements not taught or suggested by the references cited by the Examiner. For example, claim 1 as currently written recites a combination of elements directed to a ski sled, including *inter alia*

a seat supported by right and left legs, the legs being rotatably attached at respective pivot points at a rear end of right and left chair rails, rotation of the seat forward and backward enabling a transfer of a partial weight of the rider from tip to tail of the skis.

Support for the novel features of claim 1 can be seen, for example, in FIG. 1(a)-(c), and FIGS. 5(a) and (b).

The Applicant respectfully submits that the combination of elements as set forth in independent claim 1 is not disclosed or made obvious by the prior art of record, including Schwarz (U.S. 3,528,674), Larsen et al. (U.S. 4,324,409), and Snow Slide Walker from Freedom Factory.

In contrast to claim 1 of the present invention, as can be seen in Schwarz FIGS. 1 and 4, this document merely discloses a seat 16 which is rotatable about arms 46 in a lateral direction.

Further, the Larsen et al. document merely discloses a seat which is not rotatable forward and backward, and the Snow Slide Walker from Freedom Factory document merely discloses legs rigidly attached to the skis.

At least for the reasons set forth above, the Applicant respectfully submits that the combination of elements as set forth in independent claim 1 is not disclosed or made obvious by the prior art of record, including Schwarz (U.S. 3,528,674), Larsen et al. (U.S. 4,324,409), and Snow Slide Walker from Freedom Factory.

Therefore, independent claim 1 is in condition for allowance.

Arguments Regarding Independent Claim 14

In addition, independent claim 14 as presented in the Amendment of October 20, 2005 recites a combination of elements directed to a ski sled, including *inter alia*

a weight transfer device operable by a rider for transferring a partial weight of the rider forward and backward and from one of the two skis to the other, thus enabling the ski sled to turn, the weight transfer device including:

chair rail extensions extending forwardly from the chair rails;

foot pedals rotatably attached to the chair rail extensions for actuating cables connected to the angle adjustment devices so that when the foot pedal on one side of the sled is pushed, the block on the same side of the sled is articulated,

the foot pedals enabling a transfer of a partial weight of a rider from tip to tail of the skis,

wherein an axis of rotation of each of the foot pedals is substantially vertical.

Support for the novel features of claim 14 can be seen, for example, in FIGS. 2(a)-(c).

The Applicant respectfully submits that the combination of elements as set forth in independent claim 14 is not disclosed or made obvious by the prior art of record, including Schwarz (U.S. 3,528,674), Larsen et al. (U.S. 4,324,409), and Snow Slide Walker from Freedom Factory.

In contrast to claim 14 of the present invention, as can be seen in Schwarz FIGS. 1 and 4, this document merely discloses a foot pedals 42 rotatable about a horizontal bar 34.

Further, the Larsen et al. document and the Snow Slide Walker from Freedom Factory document merely disclose devices lacking foot pedals, or foot pedals rotatable about an axis that is substantially vertical.

At least for the reasons set forth above, the Applicant respectfully submits that the combination of elements as set forth in independent claim 14 is not disclosed or made obvious by

the prior art of record, including Schwarz (U.S. 3,528,674), Larsen et al. (U.S. 4,324,409), and Snow Slide Walker from Freedom Factory.

Therefore, added independent claim 14 is in condition for allowance.

The Examiner will note that dependent claims 12, 15, and 21 have been amended, merely to place them in better form.

All dependent claims are in condition for allowance due to their dependency from allowable independent claims, or due to the additional novel features set forth therein.

Accordingly, reconsideration and withdrawal of the rejection under 35 U.S.C. §103(a) are respectfully requested.

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CONCLUSION

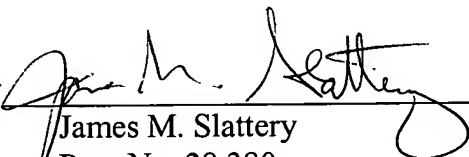
Since the remaining patents cited by the Examiner have not been utilized to reject claims, but merely to show the state of the art, no comment need be made with respect thereto.

All of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. It is believed that a full and complete response has been made to the outstanding Office Action, and that the present application is in condition for allowance.

If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, he is invited to telephone Carl T. Thomsen (Reg. No. 50,786) at (703) 205-8000.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17, particularly extension of time fees.

Respectfully submitted,
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JMS/CTT/cdr 

Attachments: Substitute Specification (Clean and marked up versions)
One Sheet of Additional Drawings (FIG. 12)